

Planning Board Minutes 09/08/09

NEWMARKET PLANNING BOARD
TOWN COUNCIL CHAMBERS
SEPTEMBER 8, 2009
7:00 P.M.

Present: John Badger (Chairman), Eric Botterman (Town Council representative), Rick McMenimen (alternate), Justin Normand (Alternate), Janice Rosa, Peter Roy (Vice-Chairman), Val Shelton, Eric Weston, George Willant

Absent: Diane Hardy (Town Planner) and Adam Schroadter (alternate) were excused.

Chairman Badger called the meeting to order at 7:01 p.m.

Pledge of Allegiance

Public Comments

Review and Approval of Minutes: 07/14/09, 08/11/09

July 14, 2009

George Willant noted on page 3, line 26 "he" should be lower case. On page 5, line 2 the year should be 2020; there should be no comma. Also on page 5, on line 32 the sentence should read: "She has seen the stream of foot traffic." On page 10, line 14 where the land is should be clarified. Also on page 10, on line 20 the word should be "bi-level," not "by level."

Action

Motion: George Willant made a motion to accept the minutes from the July 21, 2009 Planning Board meeting as amended.

Seconded: Vice-Chairman Roy

Vote: All in favor

Chairman Badger noted Rick McMenimen's editorial changes would also be included in the amendments.

August 11, 2009

Val Shelton noted on page 3, line 2 Chinburg had been misspelled.

Action

Motion: Vice-Chairman Roy made a motion to accept the minutes from the August 11, 2009 Planning Board meeting as amended.

Seconded: Eric Botterman

Vote: All in favor

Regular Business

Applicants: Newmarket Community Development Corporation/Fraternal Order of Eagles/Town of Newmarket/Newmarket Mills, LLC

Location: Main Street, Tax Map U2, Lots 365, 366 & 367 in the M1 Zone and Tax Map U2, Lots 56C, 60A & 61 in the B1 Zone.

Proposal: There will be a Public Hearing for an application for site plan. The proposal is for the redevelopment of the Newmarket mill buildings to include residential units at each of the two mills buildings, as well as space for public and non-residential uses. Parking will be provided on-site and at lots on the west side of Main Street. The complete application is available to view at the Newmarket Planning Office, 186 Main Street, Newmarket, NH, during regular business hours.

Status: Continued from the August Planning Board meeting.

Eric Chinburg noted he had submitted a letter today requesting a continuance to October 13, 2009 following discussions with the Planning Board and Town Planner Diane Hardy. Chairman Badger noted the letter had been received. September 22, 2009 would be a Special Meeting of the Planning Board (Meeting has been cancelled and rescheduled to October 13, 2009).

Vice-Chairman Roy explained there had been a Technical Review Committee meeting this afternoon. Attendance of the meeting included himself, George Willant, Val Shelton, Eric Chinburg, representatives from the Town and representatives from the applicant. There had been great discussion regarding several aspects of the application including adjustments, additions and clarifications. There has been full cooperation between the Town and the applicant. The Technical Review Committee had felt they would need to meet one more time prior to the Planning Board discussing the application again. This meeting has been set for September 17, 2009 at 2:00 p.m. He hoped this would be the last meeting before site plan approval. At this time the applicant will have submitted a corrected set of plans with the details as discussed at the last meeting.

Action

Motion: Vice-Chairman Roy made a motion for the Planning Board to schedule a Special Planning Board meeting to consider the application from the Newmarket Community Development Corporation/Fraternal Order of Eagles/Town of Newmarket/Newmarket Mills, LLC as it pertains to the development of the mills. This meeting will be set for September 22, 2009 at 7:00 p.m.

Seconded: Eric Botterman

Vote: All in favor

Proposal: Public Hearing by the Newmarket Planning Board regarding the adoption of the updated Water Resources Chapter, as an amendment to the Town of Newmarket Master Plan, dated August 2001. The amendment includes a discussion of the town's water resources: surface waters, wetlands, water quality, and habitat protection, flood plains and floodplain management, groundwater resources, municipal drinking water supply, potential threats to water resources, areas of ecological significance, regional and watershed planning, recommendations for land use planning, education and stewardship and an implementation plan.

Cynthia Copeland, Executive Director with the Strafford Regional Planning Commission explained Kyle Pimental of her staff is with her as well. Kyle Pimental has been instrumental as the GIS Communications Technician and had completed most of the revisions as well. She read from the Executive Summary of the draft: "The current Water Resources Chapter of the Newmarket Master Plan was adopted in 2001. Since then Newmarket has undergone changes in the patterns and intensity of growth and land development as well as an overall population increase. Additionally, climate conditions over the last decade have produced record-breaking flood and storm events and periods of severe drought, resulting in environmental conditions that placed high demand on the Town's municipal water supply and the local aquifers.

"Federal, state and other regional non-governmental partners continue to conduct significant research, inventories and analysis of water resources in the Coastal and Great Bay watersheds. These efforts have produced valuable scientific and environmental information about the status, health and viability of water resources and water-dependent resources in these watersheds. The results of these efforts have sparked much discussion about future management and sustainability of ecosystems, natural resource functions, human health, and drinking water supplies in coastal communities, including Newmarket.

"For these reasons, the Town of Newmarket sought funding and assistance to update the existing Water Resources Chapter of the Master Plan by incorporating new information to better plan for the management and sustainability of the Town's water resources.

"The protection and use of water resources are critical concerns to the Town of Newmarket. With virtually all residents dependent upon either private or public wells for domestic use, the quantity and quality of available groundwater must be protected from depletion and contamination. Other water resources, such as swamps, ponds, streams and wetlands, are important because they are hydrologically related to groundwater, and they provide ecological, scenic, and recreational value to residents and visitors.

"In general, there is a direct relationship between land use and water quality. It is the responsibility of the Town to take reasonable and prudent precautions to protect all water resources from incompatible uses, thus protecting the health and general welfare of the community. Appropriate steps should be taken by the Town to insure that sufficient water supplies exist for use by Newmarket residents and businesses, as well as native wildlife and plant communities. The Town needs to examine and address water supply issues, watershed management, pollution, and potential aquifers/gravel areas.

"Guidance for policies, regulations, and actions that affect Newmarket's water resources derives from the following water resources management objectives and conservation measures:

- a. Protect public health, safety, and welfare
- b. Maintain high environmental quality
- c. Ensure that growth does not compromise (degrade) environmental quality

- d. Direct development to environmentally suitable areas
- e. Assure adequate water supply for residents and businesses
- f. Preserve water quality and quantity for future residents and businesses
- g. Educate residents and businesses about water resource issues
- h. Participate in inter-municipal water resources management efforts
- i. Comply with applicable local, state and federal regulations”

Cynthia Copeland explained the chapter is structured with an overall vision statement followed by policy statements for each section. Each section includes independent studies and analyses. There are also specific recommendations for each section and a plan for implementation. The short-term goals are to be met within two years; the intermediate goals are to be met within two to five years; and the long-term goals will be met more than five years from now. The management approach includes recommendations such as public education and outreach, resource planning and management, land use regulations and policy, and regional watershed coordination. Each recommendation is assigned to a lead group, department or staff member for implementation. There are also discussions relative to funding. She noted the document is available at the Town Hall in the Planning Office, at the library and on the website. The public has had several weeks to review the document.

Chairman Badger opened the public hearing at 7:21 p.m.

Rick McMenimen, alternate to the Planning Board, suggested the developments in town should be directed towards environmentally suitable areas. He discussed several editorial comments. He asked if the statement on page 4 relative to virtually all residents relying upon private wells for domestic use was correct. Val Shelton explained there is a breakdown of the private wells versus residents on municipal water supply. She suggested removing the word private as the vast majority of residents are not on private wells, but all residents rely upon wells for their water supply whether the wells are private or municipally owned.

Rick McMenimen asked if the value on page 41 referencing the flood plains was accurate. Val Shelton explained that had been based on the 2006 Hazard Mitigation Study. Cynthia Copeland stated the Strafford Regional Planning Commission had compiled this information. She would double-check the figures to ensure the accuracy.

Rick McMenimen referenced page 62 stating he believed the Town had voted the aquifer recharge down. Eric Botterman noted the Town had voted down the opportunity to spend money on the aquifer recharge. There is always an opportunity this will be revisited but there it not a high potential for that in the near future. Rick McMenimen felt paragraph two could be removed. Val Shelton felt it was important from a historical perspective. She suggested the paragraph could stay if it was changed to past tense. She suggested she would work with Cynthia Copeland to develop language that would reference the vote.

Rick McMenimen noted Eric Weston's name needed to be added as a member of the Planning Board.

Bill Arcieri, member of the Water Resources update group and former member of the Planning Board explained this had been a collaborative effort. He felt the most important part of this document is the implementation portion. He felt this was a great document to be used for reference. The document was comprehensive and well laid out. He hoped the Planning Board would take this on as a project to check off the action items. He would like to see progress on the recommendations prior to the next update.

Chairman Badger explained the Planning Board's energy has been directed at getting this document to this point. Once this document is in place, the Planning Board will be able to move forward with the implementation of the action items.

Val Shelton explained Town Planner Diane Hardy has been working on updating the Wetland Overlay District and Shoreland Overlay District to bring those into compliance with the updated Comprehensive Shoreland Protection Act. The Conservation Commission has been discussing this with the Planning Board also.

Eric Botterman noted the Exeter Street drainage study from Underwood Engineers was presented to the Town Council with several recommendations. The Town Council expressed their desire to begin looking at the area upstream where there are major issues. Underwood Engineers will investigate more upstream near the Ash Swamp Road bridge. The Department of Public Works will meet with Underwood Engineers to develop a remediation plan.

Cynthia Copeland explained this project had received additional grant funding through the NH Coastal Program. She is still waiting on this year's disbursement. As part of the tasks to receive the grant, the culverts must be evaluated. Kyle Pimental worked with the staff in Durham last year to evaluate their culverts. The Strafford Regional Planning Commission (SRPC) could do this project; they can work with Underwood Engineers and Town staff to evaluate the culverts.

Chairman Badger closed the public hearing at 7:37 p.m.

Chairman Badger asked if George Willant and Val Shelton felt the Board could approve the document with the minor revisions made tonight. George Willant felt a lot of time had been spent on this document. He agreed the key to the success of this update would be to follow the recommendations and implementation plan.

Action

Motion: George Willant made a motion to accept the Water Resource Chapter of the Master Plan as amended.

Seconded: Val Shelton

Vote: In favor: John Badger, Eric Botterman, Janice Rosa

Peter Roy, Val Shelton, George Willant

Opposed: Eric Weston

Abstained:

Applicants: David G. Kennepp & Ellen F. Keefe

Location: Great Cove Drive, Tax Map U3, Lots 75 & 76

Proposal: To merge the two lots to make one lot – Notice of Merger

Chairman Badger noted this is a voluntary merger of two lots into one.

Val Shelton explained the RSA allows a landowner to merge two or more lots that abut each other into one single lot.

This would not constitute a subdivision. The only reason this is before the Planning Board is for the recording at the Registry. The Planning Board Chairman needs authorization to sign the notice. Newmarket has an application for such a transaction. The applicant/landowner is giving up the rights to deed out the parcels as previously existed as these two lots will become one lot of record. If the landowner wishes to deed out any part of the land in the future they will need to come before the Planning Board for subdivision approval.

Action

Motion: George Willant made a motion to authorize the Chairman of the Planning Board to sign the notice of merger on behalf of the Planning Board.

Seconded: Vice-Chairman Roy

Vote: All in favor

Old Business/New Business

Chairman Badger explained the Town would file a grant application for \$400,000 from the State of New Hampshire for federal money to be used for a sky bridge at the mills redevelopment project. The application requires letters of support. Town Planner Diane Hardy has suggested one of those letters should come from the Planning Board. He asked for authorization to write a letter supporting the grant application on behalf of the Planning Board.

Action

Motion: Vice-Chairman Roy made a motion to authorize the Chairman of the Planning Board to sign a letter in support of the application for grant money from the New Hampshire Department of Transportation Enhancement Fund for the sky bridge for the redevelopment of the mills.

Seconded: Eric Botterman

George Willant noted the developer has indicated if the grant were approved, he would be willing to put the sky bridge in regardless of whether the commercial development across the street from the mills moved forward.

Chairman Badger explained the total project would be \$550,000; the town would need to provide a 20% match for the grant (or \$110,000). He suggested the funds could come from the TIF District.

Eric Botterman noted the Town Council has not had discussions on this subject yet.

Janice Rosa asked if the sky bridge would be built high enough so it would not impede the traffic flow. Val Shelton explained the NH Department of Transportation would have to approve the project. There would be specific requirements and safety restrictions that will need to be met.

Vote: All in favor

Adjournment

Action

Motion: Janice Rosa made a motion to adjourn at 7:48 p.m.

Seconded: Eric Botterman

Vote: All in favor